

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT CLARKSBURG**

BIOGEN INTERNATIONAL GMBH)
and BIOGEN MA INC.,)
Plaintiffs,)
v.) Civil Action No. 1:17-cv-116-IMK
MYLAN PHARMACEUTICALS INC.,)
Defendant.)

)

MOTION TO PUBLICLY FILE ORDER

Defendant Mylan Pharmaceuticals Inc. (“Mylan”), by its undersigned counsel, hereby moves the Court to order the Clerk to file, on the Court’s public docket, the order entered on November 27, 2019 at Dkt. No. 294 (the “Order”). The Order resolved an objection filed by Mylan to a ruling of Magistrate Judge Mazzone, and authorized Mylan to use redacted versions of specified documents that the Court found were not properly designated as confidential by Plaintiff.

Mylan seeks the public filing of the Order to allow Mylan to provide the Order to the United States Patent and Trademark Office (“USPTO”) in a related *inter partes* review proceeding pending before the USPTO, *Mylan Pharm. Inc. v. Biogen MA, Inc.*, IPR2018-01403 (PTAB 2018). The Court’s ruling on the objection is pertinent to the proceeding pending in the USPTO. Public filing of the Order will not cause harm to Plaintiffs and will also benefit the interests of the public in having access to rulings of this Court. There will be no harm to Plaintiffs because (1) the Court included only limited examples of information in the improperly-designated documents and (2) for those limited examples, the Court expressly held that the information was not confidential. *See* Dkt. 924 at 11-12 (describing, but not quoting, quarterly updates from third parties and quoting from emails about public press releases).

In addition, Mylan's counsel provided notice to Biogen's counsel of its intent to file this motion and offered Biogen's counsel the opportunity to provide proposed redactions. In email correspondence dated Thursday, December 12, 2019 Biogen's counsel informed Mylan's counsel it would provide its position on Monday, December 16, 2019. On December 16, 2019, Mylan's counsel again requested Biogen's position. As of the filing of this motion Biogen's counsel has not provided any proposed redactions or its position.

Respectfully submitted this 17th day of December 2019

By: /s/Gordon H. Copland

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of December 2019, I filed the forgoing “MOTION TO PUBLICLY FILE ORDER” with the Clerk of the Court through the ECF System, which will send notice of the filing to the following counsel of record:

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Dated this 17th day of December 2019.

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